

In the Claims:

Please rewrite Claim 11. The requested amendment to Claim 11 is shown in the attached Appendix A (page 5) in a marked-up version of that claim, as required by 37 CFR §1.121(c)(1)(ii). Deletions are shown by strike-through, and additions are shown by underlining. The effect of the incorporation of the requested amendment into Claim 11 is shown in a clean version of that claim, as required by 37 CFR §1.121(c)(1)(i). The clean version of Claim 11 is shown in the attached Appendix D (page 6).

Remarks: General

The claims have been amended by rewriting Claim 11. No new matter is added by this amendment. Support in the specification for the recitation of an aromatic polyhydric alcohol may be found on page 7 at lines 16~22 in the presence of the aryl groups ("Ar") in the formulae set forth for various exemplary polyhydric alcohols. The amendment to Claim 11 has been made for the purpose of removing from the scope of the claims only the compounds of Minagawa shown in Column 15 at lines 50~60 in which R⁶ is selected to be the residue of a dihydric, trihydric or tetrahydric phenol.

A petition under 37 CFR §1.136 for a two-month extension of time to respond the Examiner's action is enclosed, the fee for which should be charged to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

By Applicant's calculation, no fees are due by reason of this amendment to the claims. If any fee other than or in addition to those mentioned above is required to authorize or obtain consideration of this response, please charge such fee to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

Claims 11~21 and 34 remain active in the application. Applicant hereby requests reconsideration and further examination of the application in view of the reasons it has set forth below for allowance of the claims.

Remarks: Detailed Action

The Examiner has maintained the rejection under 35 U.S.C. §103(a) that Claims 11~21 and 34 are unpatentable over US 4,171,298 ("Minagawa").

Minagawa discloses 2-orthoalkylhydroxybenzenepropane-1,3-diol compounds. One of the possible forms that the propane diol compounds can take is shown by the structure in column 15 at lines 50~60. In this form, 2~4 "doubly linked" propane diol compounds are joined by an R⁶ radical. R⁶ is a multivalent group serving as a junction to link together 2~4 phosphorus ester groups through an oxygen atom of each phosphorus ester group.¹

The 2-orthoalkylhydroxybenzenepropane-1,3-diol compounds of Minagawa are prepared by condensation reaction of a 2-orthoalkylhydroxybenzenepropane-1,3-diol with a condensing agent that introduces the Z group into the molecule.² When the Z group comprises a phosphorus ester group, the condensing agent is a phosphorylating agent³ such as phosphorus trichloride.⁴ Although R⁶ can be a dihydric, trihydric or tetrahydric phenol,⁵ the structure shown in Column 15 will be derived in part from a 2-orthoalkylhydroxybenzenepropane-1,3-diol. Thus, although the structure shown in Column 15 is not a polymer or polymeric composition, but is rather at most a tetrameric compound, Minagawa does not in any event teach or suggest the polymeric composition of amended Claims 11~21 and 34 because the propane diol is aliphatic.

Claim 11, as amended, requires that the polymeric composition be derived from an aromatic polyhydric alcohol and an aromatic diol. While R⁶ may be chosen such that it is the residue of an aromatic polyhydric alcohol, the presence of a 2-orthoalkylhydroxybenzenepropane-1,3-diol in the compound of Minagawa does not fulfill the requirements of amended Claim 11

¹ See column 16 at lines 12~14.

² See column 16 at lines 43~47.

³ See column 19 at lines 25~26.

⁴ See column 19 at lines 45~46.

⁵ See column 16 at line 19.

because the relevant diol portion of the Minagawa structure is aliphatic not aromatic.

In view of the above distinctions between Minagawa and the subject matter of Claims 11~21 and 34, Applicant respectfully requests that the Examiner withdraw the rejection of those claims under 35 U.S.C. §103(a).

In view of the foregoing, Applicant submits that all of the Examiner's objections and rejections have been properly traversed, and that the pending claims are in condition for allowance, request for which is hereby respectfully made.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "John A. Langworthy", is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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Appendix A
Marked-Up Version
(Showing Amendments to)
Claim 11

11. (once amended) A polymeric composition comprising repeat units derived from (1) phosphorus trichloride, (2) an aromatic polyhydric alcohol, and (3) an aromatic diol.

Appendix B
Clean Version of
Claim 11
(With amendments incorporated)

11. (once amended) A polymeric composition comprising repeat units derived from (1) phosphorus trichloride, (2) an aromatic polyhydric alcohol, and (3) an aromatic diol.